



## United States Patent and Trademark Office

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APPLICATION NO.	FILI	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,960	04	/06/2001	Don J. Chandler	215063.02701.	6292
27160	7590	11/03/2003		EXAMINER	
PATENT A	DMINSTI	RATOR	LE, HOA T		
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CHICAGO, IL 60661-3693				DATE MAIL ED: 11/03/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.  99/826,960  CHANDLER ET AL  Examiner  Int. Le  H. T. Le  Art Unit  H. T. Le  Are Mall ING DATE of this communication appears on the c v r sheet with the correspondence address  Period f r Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  Entersions of lime may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed  If the periods for reply specified above, he maximum statutory period will apply and will expire SIX (8) MoNTHS from the mailing date of this communication to the propriet of the provision of the	) S	$\mathcal{C}$	10-11					
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(s). In no event, however, may a reply be timely filed after SIX (s) MONTH'S from the mailing date of this communication.  - If the period for reply specified above, he mainture of this communication of trepty is period of reply specified above, he mainture of this communication.  - Fishure to reply within the set or extended period for reply within the saturbory minimum of thirty (30) days, will be considered timely.  - Fishure to reply within the set or extended period for reply with by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than remains after the mailing date of this communication, even if timely filed, may reduce any seminary review of the Office later than remains after the mailing date of this communication, even if timely filed, may reduce any seminary reply within the set or extended period for reply within the set or extended period of reply separate or period will apply and will explicate the set of this communication.  - Apy reply received by the Call and the set of the set of the communication of the set of the communication of the set of the set of the communication of the set o		H. T. Le	1773					
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2a)  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-28 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 1-28 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
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2. Certified copies of the priority documents have been received in Application No								
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>								
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).								
<ul> <li>a) ☐ The translation of the foreign language provisional application has been received.</li> <li>15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</li> </ul>								
Attachment(s)	Attachment(s)		v					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) Other:								



Application/Control Number: 09/826,960

Art Unit: 1773

## DETAILED ACTION

## Claim Rejections - 35 USC § 112

1. Claims 1-26 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 6, 20, 25 and 28, the term "covalently associated" or "covalently associating" renders these claims indefinite because it's unclear whether what "associating" or "associated" denotes. Is a bond formed between the core and the substance or is there a third material between the core and with the substance?

Other claims are deemed indefinite in view of their dependency upon claim 1, 6, 20 or 25.

In claim 22, "core particle" has no clear antecedent basis. No "core" particle is recited in claim 21 upon which claim 22 depend. In addition, what is the difference between "covalently linked" (as recited in claim 22) and "covalently associated" (as suggested in claim 21 by the "covalently associating" process step)?

## Claim Rejections - 35 USC § 103

2. Claim 27 is rejected under 35 U.S.C. 103(a) as being obvious over Wang et al (US 5,395,688) in view of Chandler et al (US 5,981,180) as set forth in the previous office action and further discussed below.

The only argument made by applicants is that the particles as claimed require a covalent bond between the core particle and the substance associated with the core.



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However, claim 27 contains no such limitation (i.e. covalent bonding). Therefore, claim 27 stands rejected for the reasons set forth in the previous office action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. T. Le whose telephone number is 703-308-2415. The examiner can normally be reached on 10:00 a.m. to 6:30 p.m., Mondays to Friday.

H T. Le

Primary Examiner

Art Unit 1773